

Fill in this information to identify the case:

Debtor name Avava Systems LLC
United States Bankruptcy Court for the: Northern District of CA
(State)
Case number (if known): 17-42629 CN 7

☐ Check if this is an amended filing

Official Form 207

Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy 04/16

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

Part 1: Income

1. Gross revenue from business

☐ None

Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year

Sources of revenue
Check all that apply

Gross revenue
(before deductions and exclusions)

From the beginning of the fiscal year to filing date: From 01/01/2017 to Filing date
MM/DD/YYYY

☒ Operating a business
☐ Other _____

\$ 639,628.00

For prior year: From 01/01/2016 to 12/31/2016
MM/DD/YYYY MM/DD/YYYY

☒ Operating a business
☐ Other _____

\$ 90,703.00

For the year before that: From 01/01/2015 to 12/31/2015
MM/DD/YYYY MM/DD/YYYY

☒ Operating a business
☐ Other _____

\$ 92,533.00

2. Non-business revenue

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

☒ None

Description of sources of revenue

Gross revenue from each source
(before deductions and exclusions)

From the beginning of the fiscal year to filing date: From _____ to Filing date
MM/DD/YYYY

_____ \$ _____

For prior year: From _____ to _____
MM/DD/YYYY MM/DD/YYYY

_____ \$ _____

For the year before that: From _____ to _____
MM/DD/YYYY MM/DD/YYYY

_____ \$ _____

Part 2: List Certain Transfers Made Before Filing for Bankruptcy**3. Certain payments or transfers to creditors within 90 days before filing this case**

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

☐ None

	Creditor's name and address	Dates	Total amount or value	Reasons for payment or transfer <i>Check all that apply</i>
3.1.	See attached Schedule Part 2-3 Creditor's name _____ Street _____ City _____ State _____ ZIP Code _____	_____	\$ _____	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other _____
3.2.	_____ Creditor's name _____ Street _____ City _____ State _____ ZIP Code _____	_____	\$ _____	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other _____

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

☐ None

	Insider's name and address	Dates	Total amount or value	Reasons for payment or transfer
4.1.	See attached Schedule Part 2-4 Insider's name _____ Street _____ City _____ State _____ ZIP Code _____ Relationship to debtor _____	_____	\$ _____	_____
4.2.	_____ Insider's name _____ Street _____ City _____ State _____ ZIP Code _____ Relationship to debtor _____	_____	\$ _____	_____

Debtor Avava Systems LLC
Name

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6. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

☒ None

Creditor's name and address	Description of the property	Date	Value of property
5.1.			\$
Creditor's name			
Street			
City State ZIP Code			
5.2.			\$
Creditor's name			
Street			
City State ZIP Code			

6. Setoffs

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

☒ None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
			\$
Creditor's name			
Street			
City State ZIP Code			
Last 4 digits of account number: XXXX- _ _ _ _			

Part 3: Legal Actions or Assignments

7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

☒ None

Case title	Nature of case	Court or agency's name and address	Status of case
7.1.			<input type="checkbox"/> Pending
Case number		Name	<input type="checkbox"/> On appeal
		Street	<input type="checkbox"/> Concluded
		City State ZIP Code	
7.2.			<input type="checkbox"/> Pending
Case title		Court or agency's name and address	<input type="checkbox"/> On appeal
Case number		Name	<input type="checkbox"/> Concluded
		Street	
		City State ZIP Code	

Debtor

Avava Systems LLC

Name

Case number (if known) 17-42629 CN 7**8. Assignments and receivership**

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

☒ None

Custodian's name and address

Description of the property

Value

Custodian's name

Case title

\$ _____

Court name and address

Street

Name

City

State

ZIP Code

Case number

Street

Date of order or assignment

City

State

ZIP Code

Part 4: Certain Gifts and Charitable Contributions**9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000**☒ None

Recipient's name and address

Description of the gifts or contributions

Dates given

Value

9.1. Recipient's name

Street

City

State

ZIP Code

Recipient's relationship to debtor

9.2. Recipient's name

Street

City

State

ZIP Code

Recipient's relationship to debtor

Part 5: Certain Losses**10. All losses from fire, theft, or other casualty within 1 year before filing this case.**☒ None

Description of the property lost and how the loss occurred

Amount of payments received for the loss

Date of loss

Value of property lost

If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received.

List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).

\$ _____

Debtor

Avava Systems LLC

Name

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Part 6: Certain Payments or Transfers**11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

☐ None

Who was paid or who received the transfer?

If not money, describe any property transferred

Dates

Total amount or value

11.1. Tiemstra Law Group, PC [Plus \$335.00 for the filing fee] Oct 2017 \$ 11,500.00

Address

1111 Broadway

Street

Suite 1501OaklandCA 94607-4036

City

State

ZIP Code

Email or website address

jat@tiemlaw.com

Who made the payment, if not debtor?

Who was paid or who received the transfer?

If not money, describe any property transferred

Dates

Total amount or value

11.2. _____ \$ _____

Address

Street

City

State

ZIP Code

Email or website address

Who made the payment, if not debtor?

12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.

Do not include transfers already listed on this statement.

☒ None

Name of trust or device

Describe any property transferred

Dates transfers were made

Total amount or value

Trustee

Debtor

Avava Systems LLC

Name

Case number (if known) 17-42629 CN 7**13. Transfers not already listed on this statement**

List any transfers of money or other property—by sale, trade, or any other means—made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

☒ None

	Who received transfer?	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
13.1	_____	_____	_____	\$ _____
	Address _____ Street _____ City _____ State _____ ZIP Code _____ Relationship to debtor _____			
13.2	_____	_____	_____	\$ _____
	Address _____ Street _____ City _____ State _____ ZIP Code _____ Relationship to debtor _____			

Part 7: Previous Locations**14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

☒ Does not apply

	Address	Dates of occupancy
		From _____ To _____
14.1	_____ Street _____ City _____ State _____ ZIP Code _____	From _____ To _____
14.2	_____ Street _____ City _____ State _____ ZIP Code _____	From _____ To _____

Debtor

Avava Systems LLC

Name

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Part 8: Health Care Bankruptcies**15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
 — providing any surgical, psychiatric, drug treatment, or obstetric care?

☒ No. Go to Part 9.☐ Yes. Fill in the information below.

Facility name and address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
15.1. _____ Facility name	_____	_____
_____	_____	_____
Street	Location where patient records are maintained (if different from facility address). If electronic, identify any service provider.	How are records kept?
_____	_____	Check all that apply:
City State ZIP Code	_____	<input type="checkbox"/> Electronically
		<input type="checkbox"/> Paper
15.2. _____ Facility name	_____	_____
_____	_____	_____
Street	Location where patient records are maintained (if different from facility address). If electronic, identify any service provider.	How are records kept?
_____	_____	Check all that apply:
City State ZIP Code	_____	<input type="checkbox"/> Electronically
		<input type="checkbox"/> Paper

Part 9: Personally Identifiable Information**16. Does the debtor collect and retain personally identifiable information of customers?**☐ No.☒ Yes. State the nature of the information collected and retained. Addresses, phone numbers, e-mail addresses

Does the debtor have a privacy policy about that information?

☐ No☒ Yes**17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?**☒ No. Go to Part 10.☐ Yes. Does the debtor serve as plan administrator?☐ No. Go to Part 10.☐ Yes. Fill in below:

Name of plan

Employer identification number of the plan

EIN: _____

Has the plan been terminated?

☐ No☐ Yes

Debtor

Avava Systems LLC

Case number (if known) 17-42629 CN 7

Name

Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units**18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

☐ None

	Financial institution name and address	Last 4 digits of account number	Type of account	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
18.1.	Mechanics Bank Name 343 Sansome Street Street San Francisco CA 94104 City State ZIP Code	XXXX- <u>3</u> <u>3</u> <u>8</u> <u>9</u>	<input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	<u>10/03/2017</u>	\$ <u>55,519.00</u>
18.2.	Name _____ Street _____ City _____ State _____ ZIP Code _____	XXXX- _____	<input type="checkbox"/> Checking <input type="checkbox"/> Savings <input type="checkbox"/> Money market <input type="checkbox"/> Brokerage <input type="checkbox"/> Other _____	_____	\$ _____

19. Safe deposit boxes

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

☒ None

Depository institution name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
Name _____ Street _____ City _____ State _____ ZIP Code _____	_____	<u>m</u>	<input type="checkbox"/> No <input type="checkbox"/> Yes
Address _____	_____	_____	

20. Off-premises storage

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

☐ None

Facility name and address	Names of anyone with access to it	Description of the contents	Does debtor still have it?
Name 4245 Halleck Street Street Suite A-2 Emeryville CA 94608 City State ZIP Code	Benjamin Kimmich David Wilson Oakology Address _____	Materials, tools, and equipment	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes

Debtor

Avava Systems LLC
Name

Case number (if known) 17-42629 CN 7

Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own**21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

☒ None

Owner's name and address	Location of the property	Description of the property	Value
Name			\$
Street			
City State ZIP Code			

Part 12: Details About Environmental Information

For the purpose of Part 12, the following definitions apply:

- **Environmental law** means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).
- **Site** means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.
- **Hazardous material** means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

22. Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.

- ☒ No
☐ Yes. Provide details below.

Case title	Court or agency name and address	Nature of the case	Status of case
Case number	Name		<input type="checkbox"/> Pending
	Street		<input type="checkbox"/> On appeal
	City State ZIP Code		<input type="checkbox"/> Concluded

23. Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?

- ☒ No
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
Name	Name		
Street	Street		
City State ZIP Code	City State ZIP Code		

Debtor

Avaya Systems LLC
Name

Case number (if known) **17-42629 CN 7****24. Has the debtor notified any governmental unit of any release of hazardous material?**

- ☒ No
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
Name _____	Name _____	_____	_____
Street _____	Street _____	_____	_____
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____		

Part 13: Details About the Debtor's Business or Connections to Any Business**25. Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

- ☐ None

	Business name and address	Describe the nature of the business	Employer identification number Do not include Social Security number or ITIN.
25.1.	Kimmich Construction Name 1136 Parker Street Street Berkeley CA 94591 City State ZIP Code	Home construction and remodeling 	EIN: _____ Dates business existed From 2013 To present
25.2.	Business name and address Name Street City State ZIP Code	Describe the nature of the business 	Employer identification number Do not include Social Security number or ITIN. EIN: _____ Dates business existed From _____ To _____
25.3.	Business name and address Name Street City State ZIP Code	Describe the nature of the business 	Employer identification number Do not include Social Security number or ITIN. EIN: _____ Dates business existed From _____ To _____

Debtor

Avava Systems LLC

Name

Case number (if known) 17-42629 CN 7

26. Books, records, and financial statements

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

☐ None

Name and address

Dates of service

From 07/2017 To present26a.1 Maria Lyan, CPA

Name

CCA, LLP

Street

2300 Contra Costa Blvd., Suite 220Pleasant HillCA94523

City

State

ZIP Code

Name and address

Dates of service

From _____ To _____

26a.2.

Name

Street

City

State

ZIP Code

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

☒ None

Name and address

Dates of service

From _____ To _____

26b.1.

Name

Street

City

State

ZIP Code

Name and address

Dates of service

From _____ To _____

26b.2.

Name

Street

City

State

ZIP Code

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

☐ None

Name and address

If any books of account and records are
unavailable, explain why26c.1 Kimmich Construction

Name

1136 Parker Street

Street

BerkeleyCA94591

City

State

ZIP Code

Debtor

Avava Systems LLC
NameCase number (if known) 17-42629 CN 7

Name and address

If any books of account and records are
unavailable, explain why

26c.2

Name

Street

City

State

ZIP Code

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

☒ None

Name and address

26d.1.

Name

Street

City

State

ZIP Code

Name and address

26d.2.

Name

Street

City

State

ZIP Code

27. Inventories

Have any inventories of the debtor's property been taken within 2 years before filing this case?

☒ No☐ Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory

Date of
inventoryThe dollar amount and basis (cost, market, or
other basis) of each inventory

\$ _____

Name and address of the person who has possession of inventory records

27.1.

Name

Street

City

State

ZIP Code

Debtor

Avava Systems LLC

Name

Case number (if known) 17-42629 CN 7

Name of the person who supervised the taking of the inventory

Date of
inventoryThe dollar amount and basis (cost, market, or
other basis) of each inventory

\$ _____

Name and address of the person who has possession of inventory records

27.2.

Name

Street

City

State

ZIP Code

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name

Address

Position and nature of any
interest

% of interest, if any

David Wilson767 San Diego RoadManaging Member85%Berkeley, CA 94707Patricia Carpentieri459 59th Street, Oakland, CA 94609Member15%

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

☐ No☒ Yes. Identify below.

Name

Address

Position and nature of
any interestPeriod during which
position or interest was
heldBenjamin Kimmich1136 Parker St., Berkeley, CA 94591Member of LLCFrom 8/1/2013 To 9/30/2017Chief Executive

From _____ To _____

Officer

From _____ To _____

From _____ To _____

30. Payments, distributions, or withdrawals credited or given to insiders

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

☐ No☒ Yes. Identify below.

Name and address of recipient

Amount of money or
description and value of
property

Dates

Reason for
providing the value

30.1.

Benjamin Kimmich73,923.1301/01/2017 -Constr. svcs.

Name

1136 Parker Street

Street

10/01/2017BerkeleyCA94591

City

State

ZIP Code

Relationship to debtor

Former member of LLC

Debtor

Avava Systems LLC
NameCase number (if known) 17-42629 CN 7

Name and address of recipient

30.2

Name

Street

City

State

ZIP Code

Relationship to debtor

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

☒ No☐ Yes. Identify below.

Name of the parent corporation

Employer identification number of the parent corporation

EIN: _____

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

☒ No☐ Yes. Identify below.

Name of the pension fund

Employer identification number of the pension fund

EIN: _____

Part 14: Signature and Declaration

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/02/2017
MM / DD / YYYY

x 

Printed name DAVID WILSON

Signature of individual signing on behalf of the debtor

Position or relationship to debtor ManagerAre additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?☐ No☒ Yes

Debtor name: Avava Systems LLC

United States Bankruptcy Court for the Northern District of California

Case number: 17-42629 CN 7

ATTACHMENT – SCHEDULE PART 2-3

Purchases by Vendor Summary – July 12 through October 13, 2017

3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers - including expense reimbursements - to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

Creditor's name and address	Dates	Total amount of value	Reasons for payment or transfer
3.1 J & J Fabrication 1719 Grant St. #1 Santa Clara, CA 95050		\$8,720.00	Vendor
3.2 Indigo Design Group 6140 Johnston Drive Oakland, CA 94611		\$9,528.13	Vendor
3.3 B&T Manufacturing 5008 API Rd Black Hawk, SD 57718		\$16,885.00	Vendor
3.4 Ashby Lumber 824 Ashby Ave. Berkeley, CA 94710		\$18,419.76	Vendor
3.4 BKC-Virginia St. Installation		\$73,923.13	Vendor

Debtor name: Avava Systems LLC

United States Bankruptcy Court for the Northern District of California

Case number: 17-42629 CN 7

ATTACHMENT – SCHEDULE PART 2-4

Purchases by Vendor Summary – October 1, 2016 through October 13, 2017

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. Insiders include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

Insider's name and address	Dates	Total amount or value	Reasons for payment or transfer
4.1 BKC-Jean St. Installation		\$4,422.93	Vendor
4.2 Kimmich Construction 1136 Parker St. Berkeley, CA 94591		\$9,432.42	Vendor
4.3 BKC-Virginia St. Installation		\$73,923.13	Vendor